

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

AARON LEMEAL COOPER,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-22-1027-D
)	
OKLAHOMA COUNTY CRIMINAL)	
JUSTICE AUTHORITY, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff Aaron Lemeal Cooper brought this civil rights action under 42 U.S.C. § 1983 against Defendants Oklahoma County Criminal Justice Authority (OCCJA), Board of County Commissioners for Oklahoma County, and Michael Thomas Hughes (Hughes). OCCJA filed a Motion to Dismiss [Doc. No. 30], to which Plaintiff filed a Response [Doc. No. 31]. The matter was referred to United States Magistrate Judge Gary M. Purcell for initial proceedings in accordance with 28 U.S.C. § 636(b)(1)(B) and (C).

On May 10, 2023, the magistrate judge issued a Report and Recommendation [Doc. No. 32], in which he recommended OCCJA's Motion to Dismiss [Doc. No. 30] be denied.

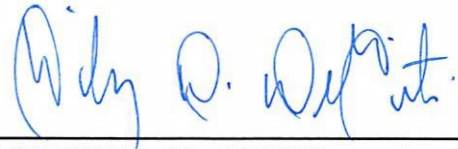
OCCJA timely filed an Objection to Report and Recommendation [Doc. No. 33]. In its objection, OCCJA presents no persuasive argument or authority that would cause this Court to reject the magistrate judge's conclusions. To the extent OCCJA attempts to introduce new arguments in its objection, the Court notes that "[i]ssues raised for the first time in objections to the magistrate judge's recommendation are deemed waived." *Marshall v. Chater*, 75 F.3d 1421, 1426 (10th Cir. 1996). Accordingly, OCCJA's argument

that it could not foresee that Defendant Hughes “would act independently to violate [OCCJA’s] policies with criminal intent,” which was raised for the first time in OCCJA’s objection, is deemed waived.¹

The Court has reviewed the entirety of the Report and Recommendation, as well as the case record, and fully concurs in the Report and Recommendation. Therefore, the Court, having conducted a *de novo* review, finds that OCCJA’s objection should be overruled, and hereby **ADOPTS** the Report and Recommendation [Doc. No. 32] in its entirety.

IT IS THEREFORE ORDERED that Defendant OCCJA’s Motion to Dismiss [Doc. No. 30] is **DENIED**.

IT IS SO ORDERED this 9th day of June, 2023.



TIMOTHY D. DeGIUSTI
Chief United States District Judge

¹ In its Motion to Dismiss [Doc. No. 30], OCCJA did not argue that Defendant Hughes acted with criminal intent that could not be imputed to OCCJA, but instead argued that Defendant Hughes’ conduct did not rise to deliberate indifference and that “Plaintiff’s allegations of [Defendant] Hughes’ conduct would be considered negligent at best.” *See* Doc. No. 30, at 8.